



General Assembly

February Session, 2014

Raised Bill No. 5350

LCO No. 1762



Referred to Committee on AGING

Introduced by:
(AGE)

AN ACT CONCERNING AN ASSISTANT TO THE LONG-TERM CARE OMBUDSMAN.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 17b-400 of the 2014 supplement to the general
2 statutes is repealed and the following is substituted in lieu thereof
3 (*Effective July 1, 2014*):

4 (a) As used in this chapter:

5 (1) "State agency" means the Department on Aging.

6 (2) "Office" means the Office of the Long-Term Care Ombudsman
7 established in this section.

8 (3) "State Ombudsman" means the State Ombudsman established in
9 this section.

10 (4) "Assistant State Ombudsman" means the Assistant State
11 Ombudsman appointed by the State Ombudsman to carry out duties
12 pursuant to section 2 of this act.

13 [(4)] (5) "Program" means the long-term care ombudsman program
14 administered by the Office of the Long-Term Care Ombudsman
15 established in this section.

16 [(5)] (6) "Representative" includes the Assistant State Ombudsman, a
17 regional ombudsman, a residents' advocate or an employee of the
18 Office of the Long-Term Care Ombudsman who is individually
19 designated by the State Ombudsman.

20 [(6)] (7) "Resident" means an older individual who resides in or is a
21 patient in a long-term care facility who is sixty years of age or older.

22 [(7)] (8) "Long-term care facility" means any skilled nursing facility,
23 as defined in Section 1819(a) of the Social Security Act [.] (42 USC
24 1395i-3(a)),_L any nursing facility, as defined in Section 1919(a) of the
25 Social Security Act [.] (42 USC 1396r(a)),_L a board and care facility,_L as
26 defined in Section 102(19) of the federal Older Americans Act [.] (42
27 USC 3002(19)),_L and for purposes of ombudsman program coverage, an
28 institution regulated by the state pursuant to Section 1616(e) of the
29 Social Security Act [.] (42 USC 1382e(e)) and any other adult care home
30 similar to a facility or nursing facility or board and care home.

31 [(8)] (9) "Commissioner" means the Commissioner on Aging.

32 [(9)] (10) "Applicant" means an older individual who has applied for
33 admission to a long-term care facility.

34 (b) There is established an independent Office of the Long-Term
35 Care Ombudsman within the Department on Aging. The
36 Commissioner on Aging shall appoint a State Ombudsman who shall
37 be selected from among individuals with expertise and experience in
38 the fields of long-term care and advocacy to head the office and the
39 State Ombudsman shall appoint [assistant] an Assistant State
40 Ombudsman and regional ombudsmen. In the event the State
41 Ombudsman [or an assistant regional ombudsman] is unable to fulfill
42 the duties of the office, the commissioner shall appoint an acting State
43 Ombudsman and in the event that the Assistant State Ombudsman or

44 a regional ombudsman is unable to fulfill the duties of the office, the
45 State Ombudsman shall appoint an acting [assistant] Assistant State
46 Ombudsman or an acting regional ombudsman, as the case may be.

47 (c) Notwithstanding the provisions of subsection (b) of this section,
48 on and after July 1, 1990, the positions of State Ombudsman, Assistant
49 State Ombudsman and regional ombudsmen shall be classified service
50 positions. The State Ombudsman and regional ombudsmen holding
51 said positions on said date shall continue to serve in their positions as
52 if selected through classified service procedures. As vacancies occur in
53 such positions thereafter, such vacancies shall be filled in accordance
54 with classified service procedures.

55 Sec. 2. (NEW) (*Effective July 1, 2014*) The Assistant State
56 Ombudsman shall act in accordance with the policies and procedures
57 established by the Office of the Long-Term Care Ombudsman and the
58 State Ombudsman. The Assistant State Ombudsman, under the
59 supervision of the State Ombudsman, shall:

60 (1) Provide services to protect the health, safety, welfare and rights
61 of residents;

62 (2) Ensure that residents in service areas have regular timely access
63 to representatives of the program and timely responses to complaints
64 and requests for assistance;

65 (3) Identify, investigate and resolve complaints made by or on
66 behalf of residents that relate to action, inaction or decisions that may
67 adversely affect the health, safety, welfare or rights of the residents or
68 by, or on behalf of, applicants in relation to issues concerning
69 applications to long-term care facilities;

70 (4) Provide technical assistance to the regional ombudsmen;

71 (5) Represent the interests of residents and applicants in relation to
72 their applications to long-term care facilities before government
73 agencies and seek administrative, legal and other remedies to protect

74 the health, safety, welfare and rights of the residents;

75 (6) Review and, if necessary, comment on any existing and
 76 proposed laws, regulations and other government policies and actions
 77 that pertain to the rights and well-being of residents and applicants in
 78 relation to their applications to long-term care facilities, and facilitate
 79 the ability of the public to comment on the laws, regulations, policies
 80 and actions;

81 (7) Support the development of resident and family councils;

82 (8) Support the development and implementation of the pilot
 83 community ombudsman program created pursuant to subdivision (14)
 84 of subsection (b) of section 17b-403 of the general statutes;

85 (9) Support the development of technology to promote outreach and
 86 education;

87 (10) Monitor program data entry, prepare reports and analyze data;

88 (11) Support program volunteer recruitment and training efforts;
 89 and

90 (12) Carry out other activities that the State Ombudsman determines
 91 to be appropriate.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>July 1, 2014</i>	17b-400
Sec. 2	<i>July 1, 2014</i>	New section

AGE *Joint Favorable*